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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DANIEL SOUTHERN,

Plaintiff,

Case No. 3:18-cv-00258-RCJ-VPC

ORDER

v.

JAMES DZURENDA et al.,

Defendants.

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a "federal tort claim." (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's federal tort claim (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL

1 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,
2 as well as the document entitled information and instructions for filing an *in forma pauperis*
3 application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
5 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the "federal tort
12 claim" (ECF No. 1-1), but shall not file it at this time.

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14 DATED THIS 5th day of June 2018.

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16 UNITED STATES MAGISTRATE JUDGE
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